

Yackulic, Ted

From: Justin D. Leonard <jleonard@ml-llp.com>
Sent: Friday, January 31, 2014 1:10 PM
To: Feldman, Stephen (Perkins Coie)
Cc: Frederick.Phillips@USDOJ.GOV; Yackulic, Ted
Subject: Re: ATI Settlement Agreement
Attachments: JDL & EPA revs to Absorbent_Tech_draft_SA 1 30 14 am (6) (1).doc; JDL & EPA revs to Absorbent_Tech_draft_SA 1 30 14 am (6) (1).pdf; Redline showing all revs to Absorbent_Tech_draft_SA 1 30 14 am (6) (1).pdf

Per Stephen's request, here's a revised Settlement Agreement. It includes the changes from the EPA today, as well as my own relating to BK specific issues.

I look forward to the EPA's approval and/or any final changes.

Thanks,

Justin

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Justin D. Leonard

Admitted in Oregon, Washington & Idaho



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On Fri, Jan 31, 2014 at 11:58 AM, Feldman, Stephen (Perkins Coie) <SFeldman@perkinscoie.com> wrote:

Justin, can you please incorporate the minor additional changes that Fred sent earlier today, as I am presently working on revisions to the Escrow Agreement. Thanks.

From: Justin D. Leonard [mailto:jleonard@ml-llp.com]
Sent: Friday, January 31, 2014 11:54 AM

To: Phillips, Frederick (ENRD)
Cc: Feldman, Stephen (Perkins Coie); Yackulic, Ted; Kenneth Eiler
Subject: Re: ATI Settlement Agreement

Stephen -- I just sent you and Shawn my revised version of the settlement. Little of the EPA language was modified. I am now catching up on emails and I see that the EPA provides some further revisions. Can you take responsibility for making those edits to my version, or do you want me to incorporate those?

I am available to discuss if necessary, except I have a conference call at 2.

I'm happy to forward my revisions to the Agreement to Ted and Fred but thought it might be beneficial to include the EPA's revisions first, especially because my changes shouldn't be controversial. Regarding the document retention, the Estate cannot be responsible for holding ATI documents, but the Estate can agree to the extent it has documents, that it will go through the procedure to advise the EPA prior to destruction as set forth in the agreement. I hope that is acceptable.

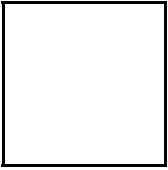
Thanks,

Justin

- - -

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On Fri, Jan 31, 2014 at 11:44 AM, Phillips, Frederick (ENRD) <Frederick.Phillips@usdoj.gov> wrote:

I'm on a call right now, but expect to be free within about ½ hour.

Thanks.

From: Feldman, Stephen (Perkins Coie) [mailto:SFeldman@perkinscoie.com]

Sent: Friday, January 31, 2014 2:30 PM

To: Phillips, Frederick (ENRD); 'Justin D. Leonard (jleonard@ml-llp.com)'

Cc: Yackulic, Ted

Subject: RE: ATI Settlement Agreement

Fred,

I have now had a chance to quickly review your revisions. I do not foresee any issues on my end. I also will agree to take on the task of making sure all of the paragraph/section numbers and cross-references are accurate.

We should probably schedule a call for this afternoon to discuss the few remaining questions/comments/issues. Hopefully, we will have Justin's proposal regarding the bankruptcy-related issues shortly and can discuss that during our call.

Stephen

From: Phillips, Frederick (ENRD) [<mailto:Frederick.Phillips@usdoj.gov>]
Sent: Friday, January 31, 2014 10:50 AM
To: Feldman, Stephen (Perkins Coie); 'Justin D. Leonard (jleonard@ml-llp.com)'
Cc: Yackulic, Ted; Phillips, Frederick (ENRD)
Subject: ATI Settlement Agreement

I've attached a slightly revised draft SA that we will recommend for approval. Note that there remain a couple comments/questions for final resolution. Paragraph numbers and cross-references still need to be checked/fixed. I'm hoping that someone with more assistance than I have (i.e., none) can deal with document clean-up.

Questions – it appears that the Ferry St folks have been omitted from all recent email traffic/document exchanges. Shouldn't they be a party to the SA? Similarly, shouldn't the Trustee and Ferry be parties to the EA? They're committing to funding it.

Thanks.

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